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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

A.M., an individual,

Plaintiff,

v.

OMEGLE.COM LLC,

Defendant.

Case No. 3:21-cv-01674-MO

**DECLARATION OF STACIA N. LAY IN
SUPPORT OF DEFENDANT
OMEGLE.COM LLC'S REQUEST FOR
JUDICIAL NOTICE**

I, Stacia N. Lay, declare and state as follows:

1. I am an attorney at Focal PLLC and represent Defendant Omegle.com LLC ("Omegle") in this action. I am over 18 years of age. This Declaration is based upon personal knowledge unless otherwise stated, in which case I believe the information to be true.

2. On December 15, 2021, I visited the publicly-available Omegle website – available at www.omegle.com – and downloaded copies of Omegle's current Terms of Service Agreement, Community Guidelines, and Privacy Notice (collectively, the "Policies").

The Policies are available via clearly-identified links on the Omegle homepage (www.omegle.com), as shown in the following screenshot of the homepage that I captured on January 11, 2022:



3. Attached hereto as **Exhibit A** is a true and correct copy of the Omegle Terms of Service Agreement, last updated June 1, 2021, which I downloaded via the link on the Omegle homepage (<https://www.omegle.com/static/terms.html>) on December 15, 2021.

4. Attached hereto as **Exhibit B** is a true and correct copy of the Omegle Community Guidelines, last updated June 1, 2021, which I downloaded via the link on the Omegle homepage (<https://www.omegle.com/static/guidelines.html>) on December 15, 2021.

5. Attached hereto as **Exhibit C** is a true and correct copy of the Omegle Privacy Notice, last updated June 1, 2021, which I downloaded via the link on the Omegle homepage (<https://www.omegle.com/static/privacy.html>) on December 15, 2021.

6. Using the Internet Archive's "Wayback Machine," I also captured screenshots of the Omegle website as it appeared at various times from 2014 through 2021 (as further described in the paragraphs that follow). The Wayback Machine provides access to archived copies of publicly-available websites as those websites appeared at a specific point in time, essentially acting as a historical record of the websites. More information about the Wayback Machine can be found on the Internet Archive's website at <https://help.archive.org/hc/en-us/articles/360004716091-Wayback-Machine-General-Information>.

7. Attached hereto as **Exhibit D** are true and correct copies of screenshots of the Omegle homepage (www.omegle.com) on January 1, 2014 and December 30, 2014, that I captured from the Internet Archive's Wayback Machine, located at archive.org, on January 11, 2022.

8. Attached hereto as **Exhibit E** are true and correct copies of screenshots of the Omegle homepage (www.omegle.com) on January 1, 2015 and December 31, 2015, that I captured from the Internet Archive's Wayback Machine, located at archive.org, on January 11, 2022.

9. Attached hereto as **Exhibit F** are true and correct copies of screenshots of the Omegle homepage (www.omegle.com) on January 1, 2016 and December 30, 2016, that I captured from the Internet Archive's Wayback Machine, located at archive.org, on January 11, 2022.

10. Attached hereto as **Exhibit G** are true and correct copies of screenshots of the Omegle homepage (www.omegle.com) on January 3, 2017 and December 31, 2017, that I captured from the Internet Archive's Wayback Machine, located at archive.org, on January 11, 2022.

11. Attached hereto as **Exhibit H** are true and correct copies of screenshots of the Omegle homepage (www.omegle.com) on January 2, 2018 and December 25, 2018, that I captured from the Internet Archive's Wayback Machine, located at archive.org, on January 11, 2022.

12. Attached hereto as **Exhibit I** are true and correct copies of screenshots of the Omegle homepage (www.omegle.com) on January 2, 2019 and December 30, 2019, that I captured from the Internet Archive's Wayback Machine, located at archive.org, on January 11, 2022 and January 14, 2022, respectively.

13. Attached hereto as **Exhibit J** are true and correct copies of screenshots of the Omegle homepage (www.omegle.com) on January 1, 2020 and December 31, 2020, that I captured from the Internet Archive's Wayback Machine, located at archive.org, on January 11, 2022.

14. Attached hereto as **Exhibit K** are true and correct copies of screenshots of the Omegle homepage (www.omegle.com) on January 1, 2021 and May 31, 2021, that I captured from the Internet Archive's Wayback Machine, located at archive.org, on January 11, 2022 and January 16, 2022, respectively.

15. Attached hereto as **Exhibit L** are true and correct copies of screenshots that I captured from the Internet Archive's Wayback Machine, located at archive.org, on January 11, 2022 and January 14, 2022 of the following: (a) the Omegle homepage (www.omegle.com) on June 6, 2021; (b) the Omegle Terms of Service Agreement (www.omegle.com/static/terms) on June 6, 2021; (c) the Omegle Community Guidelines (www.omegle.com/static/guidelines) on June 6, 2021; and (d) the Omegle Privacy Notice (www.omegle.com/static/privacy) on June 6, 2021.

16. Attached hereto as **Exhibit M** are true and correct copies of screenshots that I captured from the Internet Archive's Wayback Machine, located at archive.org, on January 11, 2022 of the following: (a) the Omegle homepage (www.omegle.com) on December 29, 2021; (b) the Omegle Terms of Service Agreement (www.omegle.com/static/terms) on December 28, 2021; (c) the Omegle Community Guidelines (www.omegle.com/static/guidelines) on December 28, 2021; and (d) the Omegle Privacy Notice (www.omegle.com/static/privacy) on December 28, 2021.

17. Attached hereto as **Exhibit N** is a document I created providing a summary of the screenshots I captured from the Internet Archive's Wayback Machine identified as Exhibits D-M above, including the Wayback Machine links for each screenshot captured and the dates on which I captured the screenshots.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 18th day of January, 2022, at Seattle, Washington.

s/ Stacia N. Lay
STACIA N. LAY